

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

JESSE THOMAS FULLER,

Petitioner,

v.

JASON BENNETT, Superintendent,  
Stafford Creek Corrections Center,

Respondent.

CASE NO. 2:24-cv-00983-TL-TLF

ORDER

This matter is before the Court on the Order of the Ninth Circuit issued on November 5, 2024. Dkt. No. 19. The Ninth Circuit remanded the matter to this Court “for the limited purpose of granting or denying a certificate of appealability.” *Id.*

In the Report and Recommendation (“R&R”), the magistrate judge recommended denial of Petitioner Jesse Thomas Fuller’s IFP application and dismissal of the matter without prejudice for failure to prosecute. *See* Dkt. No. 6 at 1. Petitioner had never responded to the Court’s order to show cause why their petition should not be dismissed for failure to exhaust. *See id.*; *see also* Dkt. No. 4 (order to show cause).

1 Having reviewed the relevant record, the Court DENIES a certificate of appealability, as  
2 Petitioner has not made “a substantial showing of the denial of a constitutional right.” 28 U.S.C.  
3 § 2253(c)(2). Petitioner simply failed to respond to the Court’s order to show cause and has not  
4 demonstrated how a resulting dismissal for failure to prosecute resulted in the denial of any  
5 constitutional rights.

6 Dated this 13th day of November 2024.

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10 United States District Judge  
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